

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ASTELLAS PHARMA INC., ASTELLAS
IRELAND CO., LTD. and ASTELLAS
PHARMA GLOBAL DEVELOPMENT,
INC.,

Plaintiffs,

v.

ACTAVIS ELIZABETH LLC, et al.

Defendants.

C.A. No. 16-905-JFB-CJB
CONSOLIDATED

**AMENDED ORDER OF DISMISSAL
WITHOUT PREJUDICE**

This matter is before the Court on the parties' joint stipulation for dismissal (D.I. 534) and pursuant to Federal Rule of Civil Procedure 41(a).

THEREFORE, IT IS ORDERED THAT:

1. Plaintiffs and Counterclaim-Defendants Astellas Pharma, Inc., Astellas Ireland Co., Ltd., and Astellas Pharma Global Development, Inc. (collectively, "Astellas") and Defendants and Counterclaim-Plaintiffs Zydus Pharmaceuticals (USA) Inc. and Cadila Healthcare Limited (collectively, "Zydus"; collectively with Astellas, "the Parties") have reached a settlement on issues raised in this consolidated matter, which includes Civil Action No. 16-cv-924, related to United States Patent Nos. 7,342,117, 7,982,049, 8,835,474, and RE44,872 (collectively "Patents-in-suit").
2. Pursuant to a Settlement and License Agreement, the Parties respectfully request the Court dismiss all claims and counterclaims between the Parties

related to the 7,342,117, 7,982,049, 8,835,474, and RE44,872 (collectively “Patents-in-suit”) in Civil Action No. 16-cv-924 without prejudice.

3. As required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the Parties will submit their settlement and license agreement to the Federal Trade Commission Bureau of Competition (“FTC”) and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice (“DOJ,” and together with the FTC, the “Agencies”) as soon as practicable.
4. The Parties further request that the Court retain jurisdiction over this matter in the event that the Agencies render the settlement and license agreement null and void and either Party requests to reopen this litigation.
5. Each Party will bear its own costs and attorneys’ fees.

Dated this 13th day of September, 2019.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge